

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2008-328-C - ORDER NO. 2008-721

OCTOBER 22, 2008

IN RE: Application of Time Warner Cable	)	ORDER GRANTING
Information Services (South Carolina), LLC	)	MOTION FOR
d/b/a Time Warner Cable to Amend Its	)	PROTECTIVE
Certificate of Public Convenience and	)	TREATMENT AND
Necessity to Provide Telephone Services in	)	APPOINTING HEARING
the Service Area of PBT Telecom, Inc. and	)	OFFICER
for Alternative Regulation	)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) for rulings on the Motion for Protective Treatment and on the request for appointment of a hearing officer filed in this docket on behalf of Time Warner Cable Information Services (South Carolina), LLC d/b/a Time Warner Cable (“TWCIS”).

On August 22, 2008, TWCIS filed with the Commission an application seeking to amend the company’s Certificate of Public Convenience and Necessity to provide telephone services in the service area of PBT Telecom, Inc. Concurrently with its application and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, and all other applicable rules, statutes and regulations, TWCIS filed a Motion for Protective Treatment. TWCIS moves for protection of certain financial statements (Schedule 7) to the company’s 2007 Annual Report attached as Exhibit 3 to TWCIS’ application. TWCIS asserts in its motion that Schedule 7 of the Annual Report contains proprietary and commercially sensitive business information regarding financial structure and current financing activities of the company. According to TWCIS, public disclosure of this material could

provide existing and potential competitors, including interexchange carriers in South Carolina, as well as in other states in which TWCIS provides or intends to provide telecommunications service, with an unfair and undeserved competitive advantage. TWCIS files Schedule 7 in a separate and sealed package clearly marked “confidential” in accordance with the Commission’s guidelines set forth in Commission Order No. 2005-226, “*Order Requiring Designation of Confidential Materials.*”

The South Carolina Freedom of Information Act (“FOIA”) allows exemption from disclosure proprietary business information that meets a definition of “trade secrets.” S.C. Code Ann. Section 30-4-40(a)(1) states that matters which may be exempt from FOIA include: “(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes....Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information or evaluation.” We find that the information contained in TWCIS’ Schedule 7 to the company’s Annual Report contained in Exhibit 3 to the company’s application for which TWCIS seeks protection as confidential meets the definition of “trade secrets” as defined under FOIA and also falls within the definition of a “trade secret” pursuant to the South Carolina Trade Secrets Act. *See* S.C. Code Ann. § 39-8-20(5), and therefore, we grant TWCIS’s motion.

In regard to TWCIS’ request for appointment of a hearing officer, we appoint B. Randall Dong as a hearing officer in the present case. This appointment is in order that

the hearing officer may dispose of procedural and evidentiary matters pursuant to S.C. Code Ann. Section 58-3-40 (Supp. 2007).

Section 58-3-40(C)(1) states that upon the request of any party or any commissioner, the commission may employ a hearing officer who may hear and determine procedural motions or other matters not determinative of the merits of the proceedings. Under (C)(2), the hearing officer has full authority, subject to being overruled by the commission, to rule on questions concerning the conduct of the case and other matters. Under (C)(3), the officer must be an attorney qualified to practice in all courts of this State with a minimum of eight years' practice experience.

We find that B. Randall Dong meets these qualifications, and we therefore appoint him as hearing officer in this case. As hearing officer in this proceeding, we direct Mr. Dong to rule on appropriate matters in the case.

IT IS THEREFORE ORDERED THAT:

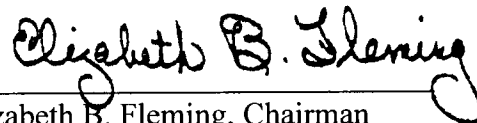
1. The Motion of Time Warner Cable Information Services (South Carolina), LLC d/b/a Time Warner Cable for Protective Treatment is granted. Accordingly, Schedule 7 of the Annual Report filed as Exhibit 3 to the Application of Time Warner Cable Information Services (South Carolina), LLC d/b/a Time Warner Cable filed with the Commission is granted confidential treatment and shall be maintained under seal and withheld from public disclosure.

2. The request of Time Warner Cable Information Services (South Carolina), LLC d/b/a Time Warner Cable for appointment of a hearing officer is granted. B.

Randall Dong is hereby appointed as hearing officer in the pending proceeding for disposition of procedural and evidentiary matters.

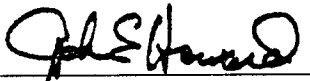
3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Elizabeth B. Fleming, Chairman

ATTEST:



John E. Howard, Vice Chairman

(SEAL)